

**U.S. Department of Labor**

Office of Administrative Law Judges  
800 K Street, N.W.  
Washington, D.C. 20001-8002



Date Issued: **August 29 1995**

Case No. **95-JTP-8**

In the Matter of:

**TOHONO O'ODHAM NATION,**  
Complainant

**vs.**

**U.S. DEPARTMENT OF LABOR**  
Respondent

Before: **JOHN M. VITTON**  
Acting Chief Judge

**DECISION AND ORDER**

This proceeding arises under the Job Training Partnership Act (JTPA), 29 U.S.C. § 1579(a) and the applicable regulations set forth at **20 C.F.R. Part 636 et seq.**

On January 17, 1995, the U.S. Department of Labor (DOL) issued a final determination notifying Tohono O'Odham Nation of a disallowance in the amount of \$46,318.00 as a result of **DOL's** audit of Complainant's programs under JTPA. By letter filed February 16, 1995, Complainant requested a hearing before this Office. On March 10, 1995, this Office issued a Notification of Receipt of Request for Hearing and Prehearing Order, which required both parties to file certain information relating to this matter. DOL filed their Prehearing Exchange on April 19, 1995. No response was received from Complainant.

On July 5, 1995, this Office issued an Order to Show Cause for Complainant's failure to respond to the Notification of Receipt of Request for Hearing and Prehearing Order. To date, Complainant has failed to file its Notice of Intent to Participate or a Prehearing Exchange.

The regulations issued at 29 C.F.R. § 18.6(d)(2)(v) provide that where a party fails to comply with any order of the administrative law judge, the judge may:

(r)ule that a pleading, or part of a pleading, or a motion or other submission by the non-complying party, concerning which the order or subpoena was issued, be stricken, or that a decision of the proceeding be rendered against the non-complying party, or both.

**E-ALJ-000420**

After considering Complainant's failure to participate in this matter, it is hereby ORDERED that Complainant's request for a hearing is DISMISSED and judgment by default is entered in this case. Accordingly, the Final Determination is affirmed and Complainant is Ordered to pay by cashier check a disallowance in the amount of \$46,318.00 to Mr. Edward A. Tomchick, Director, Office of Grants and Contracts Management, U.S. Department of Labor/ETA Room N-4671, 200 Constitution Ave., N.W., Washington, D.C. 20210.

  
JOHN M. VITTONI  
Acting Chief Judge

JMV/mc

SERVICE SHEET

Case Name: Tohono O'Odham Nation

Case No.: 95-JTP-8

Title of Document: DECISION AND ORDER

This is to certify that a copy of the above document was served by regular mail, this 29th day of August 1995, upon the following:

  
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